

CHAPTER 3

ARTICLE 6 — APPOINTMENTS

Revised January 17, 2000

[Sections 31060.1 through 31060.8.2 are unchanged]

31060.8 Peace Officer Designations

Certain departmental employees are designated as peace officers (see CCR (15)(3) 3291[b]).

Temporary Peace Officer Designations

Any person summoned to the aid of a uniformed peace officer shall be vested with such powers as are delegated by the summoning officer or as are reasonably necessary to properly assist such an officer.

Therefore, any employee officially assigned to act in the peace officer capacity of classifications listed in CCR (15) 3291(b) is a peace officer.

Employees assigned to perform peace officer duties or summoned to aid during an emergency are designated peace officers for the duration of the emergency or until relieved of peace officer duties.

31060.8.1 Designating Additional

The Director is authorized by PC 830 to designate any non-listed employee as a peace officer. Performance of the following functions as a regular, on-going job requirement shall be a major determinant in designating non-listed employees as peace officers:

- Regular use of firearms with authorization to use deadly force and less-than-lethal devices for which specialized training is mandated.
- Transportation or supervision requiring arms and/or restraints of inmates outside of facility property.
- Investigation of felonies committed in prison as a major part of the employee's duties.
- Exercise of peace officer powers as applied to the general public as in the case of visitors or demonstrators.
- Regular supervision of a significant number of peace officers in the performance of their duties.

31060.8.2 Minimum Legal Standards for Peace Officer Appointments

Persons appointed to peace officer classifications shall meet all of the following minimum legal qualifications and standards prior to appointment:

- Be a citizen of the U.S. or a permanent resident alien who is eligible for and has applied for citizenship at least one year prior to application for the peace officer position.
- Be 21 years of age or older.
- Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record.
- Be of good moral character, as determined by a thorough background investigation.
- Be a high school graduate or pass the General Education Development test indicating high school graduation level, or have attained a two year or four year degree from a college or university accredited by the Western Association of Colleges and universities. This

provision shall not apply to any public officer or employee who was employed, prior to the effective date of the amendment of GC Section 1031, made at the 1971 Regular Session of the Legislature, in any positions declared by law prior to the effective date of such amendment to be peace officer positions.

- Be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer. Physical condition shall be evaluated by a licensed physician/surgeon. Emotional and mental condition shall be evaluated by a licensed physician/surgeon or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

31060.8.2.1 Required For Peace Officer

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No person shall be appointed to or begin training as a peace officer until a physical abilities test, background investigation, and a medical examination has been completed and written clearance has been received from the Chief, Office of Peace Officer Selection (OPOS), or their designee.

Exceptions

Physical abilities test are required only for Correctional Officer (CO), MTA-P (Medical Technical Assistant-Psychiatric, Department of Mental Health), and Correctional Counselor I (CCI).

A background investigation shall not be required if the applicant is:

- A peace officer currently employed by the Department.
- Being appointed by mandatory reinstatement to a peace officer classification.
- A retired annuitant who will be performing in an administrative capacity only.

31060.9 Peace Officer Recruitment, Evaluation, Testing, and Selection

Updated December 27, 2010

To ensure an effective and diverse peace officer work force, the Department shall:

- Actively recruit entrance-level applicants.
- Carefully evaluate, examine and test applicants prior to appointment, including:
 - List appointment.
 - Reinstatement.
 - Lateral Transfer.
 - T&D Assignment.
 - Other forms of appointment.

31060.9.1 Office of Peace Officer Selection Functions

Revised December 27, 2010

The OPOS shall administer the following functions:

- The examinations for CO, MTA-P, YCO, YCC, and CCI.
- Physical abilities test, background investigations and peace officer employment medical examinations pursuant to the request of a hiring authority wishing to appoint a non-peace officer applicant to a peace officer position (see DOM 31060.9.3.3).
- Appointment of CO from the eligible list.
- Reinstatements to CO for cadets rejected from the Basic Academy.

- Coordination of requests for Criminal Identification and Information (CI&I) State Summary–Criminal History (SSCH) from State DOJ (see DOM 31060.18).

31060.9.2 Peace Officer Recruitment

Revised December 27, 2010

Various federal and state laws, executive orders, and court decisions regulate California civil service employment and provide the basis for recruitment programs.

Recruitment shall be conducted by the Office of Workforce Planning and Selection (OWPS) at the request of OPOS.

Goals and Objectives

The Department is committed to an aggressive EEO Program, recognizing the need to employ all segments of the population.

The Department intends to:

- Use to the maximum all available human resources.
- Provide EEO to all on the basis of merit and fitness, without regard to age, sex, race, national origin, religion, disability, sexual orientation, or political affiliation.
- Achieve and maintain a work force which represents by occupational group, responsibility level, and salary level the diverse ethnic and cultural groups found within the State.
- Attract qualified applicants to compete for appointment in the Department.
- Increase the overall effectiveness of our law enforcement community.
- Increase qualified minority group/affirmative action representation within the Department's law enforcement community.
- Enhance the Department's public image through advertising in all phases of the media, personal contacts with citizens in the community, and enlightening the public with regard to the operations of the Department.

31060.9.2.1 Office of Peace Officer Selection Responsibilities

Revised December 27, 2010

The OPOS shall:

- Report on the ethnic and sex representation of the CO, YCO, YCC, and CCI examination applicant pool.
- Via the OWPS place paid advertisements as needed to publicize the CO, YCO, YCC, and CCI examinations.
- Via the OWPS develop, maintain, and use a mass mailing roster of community based agencies to publicize the CO, YCO, YCC, and CCI examinations.
- Via the OWPS refer announcement and solicitations regarding job fairs and other recruitment related activities to the institution recruitment coordinator nearest the event.
- Serve as a resource to departmental managers, supervisors, and recruitment coordinators.
- Evaluate departmental recruitment efforts for CO, YCO, YCC and CCI.

31060.9.2.2 Institution/Parole Responsibilities

Updated December 27, 2010

Division of Adult Institutions (DAI) and Division of Adult Parole Operations (DAPO) staff perform specific recruitment activities tailored to meet the needs of their respective communities as well as those with statewide impact.

31060.9.3 Peace Officer Appointment Process

Revised December 27, 2010

OPOS shall appoint YCOs and YCCs to peace officer positions. The hiring authority is to assure that all legal and policy requirements are met prior to the effective date of the appointment.

31060.9.3.1 Office of Peace Officer Selection Clearances

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The hiring authority is to obtain the necessary OPOS clearances (DOM 31060.8.2.1) prior to appointing to a peace officer position any applicant who is not currently a departmental peace officer employee by submitting the CDC Form 1923, Individual Service Request (ISR), to the appropriate testing center.

31060.9.3.2 Testing Center Service Areas

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Northern Testing Center:

- PBSP.
- CCC.
- FSP.
- SAC.
- CMF.
- SOL.
- NCWF.
- SQ.
- MCSP.
- NCYCC.
- NACYCF.
- Parole Region I.
- Parole Region II.
- Headquarters.

Central Testing Center:

- SCC.
- DVI.
- CCI.
- COR.
- WSP.
- NKSP.
- ASP.
- PVSP.
- CCWF.
- VSPW.
- CMC.

- CTF.

Southern Testing Center:

- LAC.
- CIM.
- CIW.
- CRC.
- RJD.
- CVSP.
- ISP.
- CEN.
- CAL.
- VYCF.
- SYCRCC.
- Parole Region III.
- Parole Region IV.

31060.9.3.3 Individual Service Request Process

Revised December 27, 2010

The CDC Form 1923 shall be:

- Signed by the IPO; Business Manager; Associate Warden, Business Services; Chief Deputy Warden; Warden; PA; RPA; Assistant Deputy Director; Regional Administrator; Assistant Director; or Deputy Director or designee and mailed to the Regional Testing Center, Attn: Regional Testing Officer.

A bona fide job offer to the applicant.

The following shall be included with the service request:

- Completed Personal History Statement and two notarized “Authorization to Release Information” forms.
- Completed Background Investigation Questionnaire (OPOS 1901).
- State Application (STD 678).
- Certified Birth Certificate or original Naturalization Certificate or approved Citizenship Application by USCIS.
- Copy of Marriage Certificates or Divorce Decrees.
- Sealed/certified high school and college transcripts.
- Copy of Conditional Offer of Employment.
- Current credit report.
- Copy of Proof of Valid Auto Insurance.
- Copy of DD214 Military Discharge form (Member 4 – Long Form).

The Chief, OPOS, will notify the hiring authority if clearance for hire is granted or withheld by memorandum.

If the hiring authority disagrees with the Chief, OPOS, the decision may be appealed to the Deputy Director through the appropriate Associate Director.

The written appeal shall be routed to the Deputy Director, Human Resources (HR), for a recommendation.

The Deputy Director's decision shall be returned by the Associate Director, HR.

The Associate Director, HR, shall forward copies of the decision to:

- The submitting Hiring Authority.
- The Chief, OPOS.

[Section 31060.10 is unchanged]

31060.10.1 Permanent Intermittent Officers

Revised December 27, 2010

Permanent Intermittent (PI) Officers shall be given priority consistent with list eligibility or SPB Rule 277 for permanent full-time vacancies.

Within two weeks of the start of each Basic Academy, the OPOS will issue a notice to the Wardens of the eligibility standing of the PIs for full-time positions.

31060.10.2 Hardship Transfers

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Officers attending the Basic Academy requesting a hardship transfer shall submit a request to the Chief, OPOS. All other officers requesting a hardship transfer shall submit requests to the Warden of the proposed and the releasing facility. (See DOM 3310.21.1 for process.)

31060.11 Good Faith Civil Service Appointments

Revised December 27, 2010

A valid civil service appointment is made and accepted in "good faith" under the civil service statutes and SPB rules.

To Make a Valid Appointment

In order to make an appointment in "good faith," the Secretary and the designated hiring authorities shall meet the following requirements:

- Intend to observe the spirit and intent of the law.
- Make a reasonable and serious attempt to determine how the law is applied.
- Assure that positions are properly classified.
- Assure that appointees have civil service appointment eligibility.
- Intend to employ the appointee in the class, tenure, and location to which appointed under the conditions reflected by the appointment documents.
- Assure the Personnel Transactions staff have reference materials, training, and supervision necessary to avoid mistakes.
- Respect the rights and privileges of other persons affected by the appointment; avoid any appearance of coercing an eligible to waive rights to an appointment.

In order to accept an appointment in "good faith," an employee shall:

- Intend to serve in the class to which the employee is being appointed under the tenure, location, and other elements of the appointment as reflected by the appointment document.
- Provide the appointing power with complete factual and truthful information necessary for a proper appointment.

- Make a reasonable attempt to seek correction of any aspects of the appointment that the employee knows are illegal.

31060.11.1 Sanctions for Violating Good Faith Requirements

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Any officer or employee who knowingly violates or directs any officer or employee to violate these provisions shall be subject to any or all of the following:

- Adverse action.
- Civil sanctions.
- Criminal sanctions.

The SPB Executive Officer may cancel an illegal or improper appointment if lack of "good faith" exists on the part of either appointing power or employee.

31060.12 Request to Appoint Into a Different Location

Revised December 27, 2010

When making appointments to positions that are rostered in a different location than the hiring authority, the hiring authority shall use the agency code where the position is rostered on its internal appointment request document.

- This occurs, for example, when an employee of the Education and Inmate Programs Section works at the CIM, and the position is actually rostered in Sacramento County.
- This separate identification is critical for audits and seniority list requests. Seniority lists must accurately reflect all employees in affected classes and their locations.

31060.13 Contacting Eligibles on Certification Lists

Revised December 27, 2010

Eligibles from certification lists shall be contacted by the following methods only (see SPB Rule 258 for applicable time limitations):

- CDC Form 1237, Waiver, shall be mailed to the eligible's home address.
- Telegram and mailgram may only be used when the vacancy requires filling in a short period of time.
- Telephone or verbal contact with results confirmed in writing to the eligible.

The FAX shall not be used.

31060.14 Oath Of Allegiance/Declaration of Permission to Work

Revised December 27, 2010

The STD Form 689, Oath of Allegiance and Declaration of Permission to Work for Persons Employed by the State of California, shall be signed by every employee within thirty days of appointment.

Citizen

U.S. citizens shall sign the Oath of Allegiance; which shall be valid until the employee permanently separates from State employment. Validation may be made by the following:

- Executive staff, hiring authorities, personnel assistants, and those in the direct chain of command of the personnel assistants.
- Anyone who by law has the authority to administer oaths (i.e., public notaries; the Attorney General; judicial officers; and county officers like the DA, sheriff, county clerk, or justice of the peace).

No fee shall be charged by any person before whom the Oath is taken and subscribed.

Noncitizen

Non-citizen employees shall complete the Declaration of Permission to Work.

If a legally employed non-citizen becomes a naturalized citizen, the Oath of Allegiance shall be completed.

31060.15 Federal Employment Eligibility Verification

Revised December 27, 2010

All applicants hired after November 6, 1986, shall complete and sign a U.S. Citizenship and Immigration Services (USCIS) Form I-9, Employment Eligibility Form, before being appointed. Staff shall review and verify in accordance with directions on the back of the form.

The OPOS shall:

- Ensure completion, review and verification for all entry-level peace officer applicants including lateral transfers and reinstatements.
- Forward the completed forms to the appropriate local personnel/payroll office.

Local personnel/payroll officers shall:

- Ensure completion, review and verification of applicants for all other classifications.
- File and retain the forms (see DOM 31060.18).

31060.16 Criminal Records Check

Revised December 27, 2010

A criminal records check is a requirement for employment with the Department and includes:

- Consent to be fingerprinted. (Live scanned.)
- Request for and review of the CI&I SSCH.

Process

Applicants for all employment shall be live scanned at the earliest possible time if an appointment is expected. The live scan shall be processed as follows:

- Personnel staff shall fax the live scan form BCII 8016 to OPOS, Selection Support Section, the day applicant is live scanned.
- **Note:** The facility/office region acronym shall be written in the space titled “Your Number” on the front of the live scan form.
- Live scan transmission will be transmitted directly to State DOJ.
- OPOS forwards DOJ responses to the originator of the request.
- The hiring authority or designee shall complete the DOJ/FBI Employee Responses form provided by OPOS and shred the DOJ responses unless the response is a rap sheet. Rap sheets are to be filed in a secure, confidential location.
- The CCRM shall review DOJ responses for persons appointed to positions which allow access to inmate records or EDP terminals capable of access to electronically stored inmate records.

31060.17 Pre-Employment Documentation

Revised December 27, 2010

The following records shall be on file in the local personnel/payroll office prior to appointment of an applicant:

- CI&I SSCH.
- Live scan.
- USINS Form I-9.
- Physical examination report.

31060.18 Retention of Personnel Records

Revised December 27, 2010

All applications; supplemental applications; personnel, membership, or employment referral records; and files of applicants shall be retained a minimum of two years in a confidential file.

Unsolicited applications are excluded from the retention requirement.

Transferring Employees

The following documents are retained in the separated employee's folder once the employee transfers:

- One copy of the CDC Form 647, Request for Personnel Action, or CDC Form 647-A, Request for Personnel Action-Institutions.
- One copy of the STD Form 612, Transfer Data Sheet.
- CDC Form 648, Report of Separation.
- A copy of the separation checkout list (if used).

Other material in the official Personnel Folder shall be purged according to the SAM 1670 and the remaining contents forwarded to the receiving location.

Employment Eligibility Verification Forms

USCIS Form I-9 shall be:

- Maintained in a file separate from the Official Personnel Folder.
- Retained for three years after the date of employment or for one year after termination of employment, whichever is later.

No Longer Interested Notification Forms

A DOJ, CI&I Form 8302, No Longer Interested Notification (NLI) Form, shall be submitted to State DOJ by each personnel section on any of the following who were fingerprinted at the time of application or appointment:

- Employees who are terminated or separated from the Department.
- Contracted workers, volunteers, vendors, or other service providers whose services are no longer required by the Department.
- Applicants who were fingerprinted but not hired by the Department.

NLI Forms should not be sent to DOJ on retired employees.

31060.19 Photographs

Revised December 27, 2010

Current photographs shall be taken of all employees.

One photograph shall be used on the employee's personnel identification card (see DOM 31070).

One photograph shall be placed and retained in the employee's Official Personnel Folder.

Responsibility

The Personnel Transactions Section shall photograph headquarters' employees.

Facility personnel/payroll offices shall photograph facility employees.

Parole regions shall photograph their employees and forward one photograph to Personnel Transactions Section.

31060.20 Employee Exit Questionnaire

Revised December 27, 2010

The Employee Exit Questionnaire (CDC 1144) is a tool designed to examine employee movement from and within the Department.

Responsibility

The responsibility for the Employee Exit Questionnaire rests with the Personnel Services Section.

On-site coordinators within each division, facility, and parole region shall be responsible for coordinating the distribution of the questionnaire to all employees transferring, leaving, or changing classifications. If the responsibility for coordinating the distribution of the exit questionnaire is reassigned, the name of the new survey coordinator shall be provided to the Personnel Services Section promptly.

Completion of the questionnaire is voluntary. Names shall not be used and a self-addressed envelope shall be provided for mailing the questionnaire directly to headquarters.

Information from the questionnaire shall be reviewed and evaluated by staff from the Personnel Management Branch. The results and findings of the questionnaire shall then be reported to management on a regular basis.

If an employee wishes, an exit interview may be made by the employee with the Personnel Services Section.

31060.21 Revisions

Revised December 27, 2010

The Deputy Director, HR, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

31060.22 References

Revised December 27, 2010

PC § 830 and 830.6(b).

CCR (2) (1) §§ 8, 212, 258, 277, and 300 - 304, 599.810.

CCR (15) (3) § 3291(b).

GC § 1029, 1029.1, 1031, 7290 - 7299.8, 12946, 12976, 18150, 18157, 18158, 18522, 19080 - 19083, 21153.

SAM § 1670.